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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JAMES LYNN HINES,

12 Petitioner,

13 v.

14 JANET NAPOLITANO, et al.,

15 Respondents.
16
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Civil No. 07-1816 WQH (RBB)

ORDER:

**(1) GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS; and**

**(2) DISMISSING CASE WITHOUT
PREJUDICE AND WITH LEAVE TO
AMEND**

18 Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of Habeas
19 Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

20 **MOTION TO PROCEED IN FORMA PAUPERIS**

21 Petitioner has \$0.00 on account at the California correctional institution in which he is
22 presently confined. Petitioner cannot afford the \$5.00 filing fee. Thus, the Court **GRANTS**
23 Petitioner's application to proceed in forma pauperis, and allows Petitioner to prosecute the
24 above-referenced action as a poor person without being required to prepay fees or costs and
25 without being required to post security. The Clerk of the Court shall file the Petition for Writ
26 of Habeas Corpus without prepayment of the filing fee.

27 **FAILURE TO STATE A COGNIZABLE CLAIM**

28 Further, Rule 2(c) of the Rules Governing Section 2254 Cases states that the petition
"shall set forth in summary form the facts supporting each of the grounds . . . specified [in the

petition].” Rule 2(c), 28 U.S.C. foll. § 2254. *See also Boehme v. Maxwell*, 423 F.2d 1056, 1058 (9th Cir. 1970) (trial court’s dismissal of federal habeas proceeding affirmed where petitioner made conclusory allegations instead of factual allegations showing that he was entitled to relief). Here, Petitioner has violated Rule 2(c). Although Petitioner does not fail to state factual allegations in the Petition, he does fail to state any grounds for relief in the Petition.


While courts should liberally interpret pro se pleadings with leniency and understanding, this should not place on the reviewing court the entire onus of ferreting out grounds for relief. *See Zichko v. Idaho*, 247 F.3d 1015, 1020 (9th Cir. 2001). Here, the Petition contains unintelligible allegations without any specific federal constitutional grounds for relief. This Court would have to engage in a tenuous analysis in order to attempt to identify and make sense of the Petition. In order to satisfy Rule 2(c), Petitioner must point to a “real possibility of constitutional error.” *Cf. Blackledge v. Allison*, 431 U.S. 63, 75 n.7 (1977) (internal quotation marks omitted). Moreover, the allegations should be sufficiently specific to permit the respondent to assert appropriate objections and defenses. *Harris v. Allen*, 739 F. Supp. 564, 565 (W.D. Okla. 1989). Here, the lack of grounds for relief in the Petition prevents the Respondent from being able to assert appropriate objections and defenses.

CONCLUSION

For the foregoing reasons the Court **GRANTS** Petitioner’s motion to proceed in forma pauperis and **DISMISSES** the case without prejudice and with leave to amend. If Petitioner wishes to proceed with this case, he must, **no later than November 26, 2007**, file a First Amended Petition which clearly and succinctly states all federal constitutional grounds for relief. **THE CLERK OF COURT IS DIRECTED TO MAIL PETITIONER A BLANK FIRST AMENDED PETITION FORM.**

IT IS SO ORDERED.

DATED: September 26, 2007


WILLIAM Q. HAYES
United States District Judge